



**SUBJECT: Delegation of Appointment of Chief Building Official,
Deputies and Inspectors**

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-24-17

Wards Affected: All

File Numbers: 565-01

Date to Committee: April 4, 2017

Date to Council: April 18, 2017

Recommendation:

Approve by-law XX-2017, respecting the Appointment of a Chief Building Official, Deputy Chief Building Officials and Building Inspectors, attached as Appendix A to planning and building department report PB-24-17.

Purpose:

- An Engaging City
- Good Governance

Background and Discussion:

Under Section 3 of the Building Code Act, 1992 (BCA) it is the responsibility of Municipal Council to appoint the Chief Building Official and such Building Inspectors as are necessary for the enforcement of the BCA in the area in which the municipality has jurisdiction. The duties of an "inspector" are defined in the BCA and include reviewing plans, inspecting construction and issuing orders in accordance with the BCA and the Ontario Building Code (OBC). Further, a person is not eligible to be appointed as an inspector under the BCA unless he or she has obtained the qualifications set out in the OBC for the position.

The Municipal Act, 2001 provides municipalities with the authority to delegate certain administrative functions starting at section 23.1 as follows:

General power to delegate

23.1 (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 32, Sched. A, s. 15.

The purpose of this report is to recommend that Council adopt a more efficient means of appointing the Chief Building Official, Deputy Chief Building Official and Building Inspectors under the Building Code Act. At the present time these positions are appointed by Council through the enactment of a by-law. When personnel changes take place, the appointment by-law is updated involving staff time to prepare the amending by-laws and the reports. In addition, new hires cannot legally commence their full duties until the appointment has taken place which is inefficient.

The draft by-law attached as Schedule A will designate that the Chief Building Official is the person holding the position of Manager of Building Permit Services and Chief Building Official in the Planning and Building Department. If a new Manager of Building Permit Services is hired, this person will automatically be appointed the Chief Building Official without the need for an amending by-law.

Similarly, the Deputy Chief Building Officials will be appointed by virtue of their full time positions. The Deputy Chief Building Officials will be persons who hold the following positions in the Planning and Building Department:

- Supervisor of Building Permits;
- Supervisor of Inspections; and
- Supervisor of Mechanical Services

Inspectors will be appointed or removed when staff changes take place. A current list of the appointed inspectors will be kept by the Chief Building Official and filed with the City Clerk under File No. 565-01.

Strategy/process

Delegation by-laws for the appointment of building inspectors have been passed in several municipalities (i.e. Hamilton, Oakville, London etc.) as a means to streamline the hiring and appointment process.

Financial Matters:

Not Applicable.

Conclusion:

It is recommended that Council enact the by-law attached as Schedule A to this report which will streamline the process for appointment of the Chief Building Official and Inspectors under the Building Code Act, eliminating the need to write amending by-laws whenever a staffing change takes place.

A condition of this delegation would be the requirement that the Chief Building Official maintain an up-to-date list of appointed inspectors.

Respectfully submitted,

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Appendices:

- a. Delegation By-law

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.